

भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड- 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ तथ्या वी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 21st November, 1966:—

BILL No. 81 of 1966

A Bill to provide for the taking of an opinion poll to ascertain the wishes of the electors of Goa, Daman and Diu with regard to the future status thereof and for matters connected therewith.

Be it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Goa, Daman and Diu (Opinion Poll) Act, 1966.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu, appointed by the President under article 239 of the Constitution;

(b) "Chief Election Commissioner" means the Chief Election Commissioner appointed by the President under article 324 of the Constitution;

(c) "Daman" means the area comprised in the Daman assembly constituency;

(d) "Diu" means the area comprised in the Diu assembly constituency;

(e) "elector" means—

(i) in relation to Goa, a person whose name is entered in the electoral roll of an assembly constituency for the time being in force in Goa; and

(ii) in relation to Daman and Diu, a person whose name is entered in the electoral roll of an assembly constituency for the time being in force either in Daman or in Diu;

(f) "Goa" means the area comprised in the assembly constituencies of the Union territory other than the areas comprised in the Daman assembly constituency and the Diu assembly constituency;

(g) "opinion poll" means a poll taken to ascertain the wishes of the electors in pursuance of the provisions of this Act;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "Union territory" means the Union territory of Goa, Daman and Diu;

(j) all other words and expressions used but not defined in this Act and defined in the Representation of the People Act, 1950, or, as the case may be, in the Representation of the People Act, 1951, shall have the meanings respectively assigned to them in those Acts.

43 of 1950.

35 43 of 1951.

3. An opinion poll shall be taken for the purpose of ascertaining—

(a) the wishes of the electors of Goa as to whether Goa should merge in the State of Maharashtra or should continue to be Union territory;

5 (b) the wishes of the electors of Daman and Diu as to whether Daman and Diu should merge in the State of Gujarat or should continue to be Union territory.

4. Subject to the provisions of section 22—

10 (a) every elector of an assembly constituency in Goa, and no other person, shall be entitled to vote at the opinion poll taken in relation to Goa;

15 (b) every elector of the Daman assembly constituency and the Diu assembly constituency, and no other person, shall be entitled to vote at the opinion poll taken in relation to Daman and Diu.

5. The opinion poll shall, be conducted under the superintendence, direction and control of the Chief Election Commissioner.

Opinion poll to ascertain the future status of Goa, Daman and Diu.
Persons entitled to vote at opinion poll.

Conduct of opinion poll under the superintendence direction and control of Chief Election Commissioner.

6. The Chief Election Commissioner shall designate or nominate one opinion poll commissioner in relation to the opinion poll in Goa and one opinion poll commissioner in relation to the opinion poll in Daman and Diu and each such opinion poll commissioner shall be an officer of Government.

Opinion poll commissioner.

7. (1) The Chief Election Commissioner may appoint one or more persons to assist the opinion poll commissioner in the performance of his functions, and every such person shall be an officer of Government and shall be called an assistant poll commissioner.

Assistant opinion poll commissioners.

(2) Every assistant opinion poll commissioner shall, subject to the control of the opinion poll commissioner, be competent to perform all or any of the functions of the opinion poll commissioner.

Opinion poll commissioner to include assistant opinion poll commissioners performing the functions of opinion poll commissioner.

General duty of opinion poll commissioner.

Provision of polling stations.

Appointment of presiding officers for polling stations.

8. Reference in this Act to the opinion poll commissioner shall, unless the context otherwise requires, be deemed to include an assistant opinion poll commissioner performing any function which he is competent to perform under sub-section (2) of section 7.

9. It shall be the general duty of the opinion poll commissioner to do all such acts and things as may be necessary for effectually conducting the opinion poll in the manner provided in this Act and the rules or orders made thereunder. 5

10. The opinion poll commissioner of Goa and the opinion poll commissioner of Daman and Diu shall, with the previous approval of the Chief Election Commissioner, provide a sufficient number of polling stations respectively for Goa and for Daman and Diu, and shall publish, in such manner as the Chief Election Commissioner may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided. 15

11. (1) The opinion poll commissioner of Goa and the opinion poll commissioner of Daman and Diu shall appoint a presiding officer for each polling station respectively in Goa and in Daman and Diu and such polling officer or officers as the opinion poll commissioner concerned thinks necessary, but he shall not appoint any person who has been employed by, or on behalf of, or has been otherwise working for, any political party:

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by, or on behalf of, or has been otherwise working for, any political party, to be a polling officer during the absence of the former officer, and inform the opinion poll commissioner concerned accordingly:

Provided further that nothing in this sub-section shall prevent the opinion poll commissioner from appointing the same person to be the 30

presiding officer for more than one polling station in the same premises.

(2) A polling officer shall, if so directed by the Presiding officer, perform all or any of the functions of the presiding officer under this Act and any rules or orders made thereunder.

(3) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the opinion poll commissioner to perform such functions during any such absence.

(4) References in this Act to the presiding officer shall, unless the context otherwise requires, be deemed to include any person performing any functions which he is directed or authorised to perform under sub-section (2) or sub-section (3), as the case may be.

15 12. It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the opinion poll is fairly taken. General duty of presiding officer.

13. It shall be the duty of the polling officers at a polling station to assist the presiding officer for such station in the performance of his functions. Duty of a polling officer.

14. Every local authority in the Union territory shall, when so requested by the Chief Election Commissioner or the opinion poll commissioner concerned; make available to such opinion poll commissioner such staff as may be necessary in the performance of any duties in connection with the opinion poll. Staff of every local authority to be made available for work in connection with opinion poll.

15. The President shall, in consultation with the Chief Election Commissioner, by notification published in the Gazette of India, fix the date or dates on which an opinion poll shall be taken in accordance with the provisions of this Act and the rules or orders made thereunder in relation to Goa or, as the case may be, Daman and Diu. Notification for opinion poll.

16. The Chief Election Commissioner shall fix the hours during which the opinion poll will be taken; and the hours so fixed shall be published in such manner as may be prescribed. Fixing time for opinion poll.

Provided that the total period allotted on any one day for polling at an opinion poll shall not be less than eight hours.

Adjournment of
opinion poll in
emergencies.

17. (1) If, at an opinion poll, the proceedings at any polling station provided under section 10 are interrupted or obstructed by any riot or open violence, or if it is not possible to conduct the poll at any polling station on account of any natural calamity or any other sufficient cause, the presiding officer for such polling station shall announce an adjournment of the opinion poll to a date to be notified later, and where the opinion poll is so adjourned by a presiding officer, he shall forthwith inform the opinion poll commissioner concerned. 5 10

(2) Whenever an opinion poll is adjourned under sub-section (1), the opinion poll commissioner shall immediately report the circumstances to the Chief Election Commissioner and shall, as soon as may be, with the previous approval of the Chief Election Commissioner, 15 appoint the day on which the opinion poll shall recommence and fix the polling station at which, and the hours during which, the opinion poll will be taken, and shall not count the votes cast at such opinion poll until such adjourned opinion poll shall have been completed.

(3) In every such case as aforesaid, the opinion poll commissioner 20 shall notify, in such manner as the Chief Election Commissioner may direct, the date, place and hours of polling fixed under sub-section (2).

Fresh opinion poll
in case of
destruction, etc.,
of ballot boxes.

18. (1) If at any opinion poll.—

(a) any ballot box used at a polling station is unlawfully 25 taken out of the custody of the presiding officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the opinion poll at that polling station cannot be ascertained, or

(b) any such error or irregularity in procedure as is likely 30 to vitiate the poll is committed at a polling station,

the opinion poll commissioner shall forthwith report the matter to the Chief Election Commissioner.

(2) Thereupon, the Chief Election Commissioner shall, after taking all material circumstances into account, either—

35

(a) declare the opinion poll at that polling station to be void, appoint a day, and fix the hours for taking a fresh opinion poll at that polling station and notify the day so appointed and the hours so fixed in such manner as he may deem fit, or

5 (b) if satisfied that the result of a fresh opinion poll at that polling station will not, in any way, affect the result of the opinion poll or that the error or irregularity in procedure is not material, issue such directions to the opinion poll commissioner as he may deem proper for the further conduct and completion of the opinion poll.

(3) The provisions of this Act and the rules or orders made thereunder shall apply to every such fresh opinion poll as they apply to the original opinion poll.

10 19. At the opinion poll, votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

Manner
of voting
at opinion
poll.

20. Without prejudice to the generality of the provisions contained in section 19, provision may be made by rules made under this Act for enabling—

15 (a) any of the following persons to give his vote by postal ballot, and not in any other manner, at an opinion poll, namely:—

43 of 1950. 20 (i) a member of the Armed Forces of the Union or, as the case may be, of an armed police force of the Union territory, to whom the provisions of sub-section (3) of section 20 of the Representation of the People Act, 1950 apply;

(ii) a person who is employed under the Government of India in a post outside India;

25 (iii) the wife of any such person as is referred to in sub-clauses (i) and (ii) to whom the provisions of sub-section (6) of the said section 20 apply;

(b) any person subjected to preventive detention under any law for the time being in force to give his vote by postal ballot and not in any other manner at an opinion poll, subject to the fulfilment of such requirements as may be specified in those rules.

30 21. With a view to preventing personation of electors, provision may be made by rules made under this Act,—

(a) for the marking with indelible ink on the thumb or any other finger, of every elector who applies for a ballot paper for the purpose of voting at a polling station before delivery of such paper to him;

Special
procedure
for pre-
venting
personation
of
electors.

(b) for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such ballot paper he has already such a mark on his thumb or any other finger.

Voting
at an
opinion
poll.

22. (1) No person shall vote at an opinion poll in the Union 5 territory, if he is subject to any of the disqualifications referred to in section 16 of the Representation of the People Act, 1950.

43 of 1950.

(2) No person shall, at an opinion poll vote more than once, notwithstanding that his name may have been registered in the electoral roll more than once, and if he does so vote, all his votes shall be void. 10

(3) No person shall vote at an opinion poll if he is confined to any prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time 15 being in force.

Counting
of votes.

23. At the opinion poll, votes shall be counted by, or under the supervision and direction of, the opinion poll commissioner and a representative of each of the political parties for which a symbol has been exclusively reserved in Goa or, as the case may be, in Daman 20 and Diu by the Election Commission shall have a right to be present at the time of counting.

Destruc-
tion, loss,
etc., of
ballot
papers
at the
time of
counting.

24. (1) If, at any time before the counting of votes is completed, any ballot papers used at a polling station are unlawfully taken out of the custody of the opinion poll commissioner or are accidentally 25 or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the opinion poll at that polling station cannot be ascertained, the opinion poll commissioner shall forthwith report the matter to the Chief Election Commissioner.

(2) Thereupon, the Chief Election Commissioner shall, after tak- 30 ing all material circumstances into account, either--

(a) direct that the counting of votes be stopped, declare the opinion poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh opinion poll at that polling station and notify the day so appointed and hours so fixed in 35 such manner as he may deem fit, or

(b) if satisfied that the result of a fresh opinion poll at that polling station will not, in any way, affect the result of the opinion poll, issue such directions to the opinion poll commissioner as he may deem proper for the resumption and completion of the counting and for the further conduct and completion of the opinion poll in relation to which the votes have been counted.

5 (3) The provisions of this Act and any rules or orders made thereunder shall apply to every such fresh opinion poll as they apply to the original opinion poll.

10 25. When the counting of votes has been completed, the opinion Declar-
poll commissioner shall, unless otherwise directed by the Chief Election Commissioner, forthwith declare the result of the opinion results.
poll in the manner provided by this Act or the rules made there-
under.

15 26. As soon as may be after the result of the opinion poll has been Report
declared, the opinion poll commissioner shall report the result to the of the
Administrator and to the Chief Election Commissioner and the result.
Administrator shall cause the same to be published in the Official
Gazette.

20 27. Section 171B (dealing with the offence of bribery), section Offences
171C (dealing with the offence of undue influence at elections), section at opinion
171D (dealing with the offence of personation at elections), section poll.
171E (dealing with punishment for bribery) and section 171F (deal-
ing with punishment for undue influence or personation at an
45 of 1860. 25 election) of the Indian Penal Code shall apply in relation to an
opinion poll taken under this Act subject to the following modifica-
tions, namely:—

(a) any reference to a candidate shall be omitted;

30 (b) any reference to election shall be construed as a refer-
ence to opinion poll;

(c) any reference to electoral right shall be construed as a
reference to the right of a person to vote or refrain from voting
at an opinion poll.

28. (1) If the Chief Election Commissioner, on receipt of a report Fresh
35 from the opinion poll commissioner or otherwise, is satisfied that the opinion
opinion poll taken at any polling station or stations has not been a poll in
826 G of I Ex—2.

case of
extensive
prevail-
ence of
offences
referred
to in
section 27.

free one by reason that any of the offences referred to in section 27 has been extensively committed in connection with such poll, he may make a report to the President recommending that a fresh opinion poll be taken at such polling station or stations.

(2) The President may, after considering the report of the Chief Election Commissioner, direct that a fresh opinion poll shall be taken at such polling station or stations in accordance with the provisions of this Act and the rules or orders made thereunder and give such further directions for the completion of the opinion poll as he considers necessary. 5
10

Other
electoral
offences.

29. The provisions of sections 125 to 132 and 134 to 136 of the Representation of the People Act, 1951, shall, so far as may be, apply to an opinion poll as they apply to an election under that Act, and any reference in those provisions to—

(a) the chief electoral officer shall be omitted; 15

(b) a returning officer and an assistant returning officer shall be construed as a reference to an opinion poll commissioner and an assistant opinion poll commissioner respectively.

Applica-
tion of
certain
provisions
of Act 43
of 1951.

30. The provisions of sections 160 to 167 of the Representation of the People Act, 1951 shall apply, so far as may be, to and in relation to an opinion poll as they apply to and in relation to an election and any reference to the State Government in those sections shall be construed as a reference to the Administrator. 20

Delega-
tion of
functions
of Chief
Election
Commis-
sioner.

31. The functions of the Chief Election Commissioner under this Act or under the rules made thereunder may, subject to such general or special directions, if any, as may be given by the Chief Election Commissioner in this behalf, be performed also by a Deputy Election Commissioner or by the Secretary to the Election Commission. 25

Power
to make
rules.

32. (1) The Central Government may, after consultation with the Chief Election Commissioner, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 30

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the duties of the opinion poll commissioner; 35

(b) the duties of presiding officers and polling officers at polling stations;

- (c) the manner in which votes are to be given both generally and in the case of illiterate voters or voters under physical or other disability and of the persons specified under section 20;
- 5 (d) the manner of publication of the hours during which the opinion poll will be taken;
- (e) the procedure as to voting to be followed at an opinion poll to prevent personation of electors;
- (f) the manner of declaration of the result of the opinion poll;
- 10 (g) any other matter required to be prescribed by, or provided for by rules under, this Act.

33. No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Chief Election Commissioner or by the opinion poll commissioner or by any other 15 person appointed under this Act in connection with an opinion poll.

Jurisdiction of civil courts barred.

34. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

Removal of difficulties.

STATEMENT OF OBJECTS AND REASONS

Goa, Daman and Diu were constituted into a Union territory with effect from the 20th December, 1961. A Legislative Assembly and a Council of Ministers were constituted in the Union territory in December, 1963. There has been a demand from certain sections of the people of this territory for merger of Goa with the adjoining State of Maharashtra. There are other sections of people demanding its continuance as a separate entity. With a view to taking a decision on this issue, it is considered expedient to ascertain the wishes of the electors of this Union territory through an opinion poll on the question whether the Goa area should merge in the adjoining State of Maharashtra or not and whether the Daman and Diu areas should merge in the adjoining State of Gujarat or not. This Bill seeks to make necessary provision for taking the opinion poll generally on the lines of the corresponding provisions of the election law.

Clause 15 of the Bill empowers the President to fix the date or dates on which the opinion poll shall be taken. Clause 4 provides that electors of Assembly constituencies in Goa shall be entitled to vote at the opinion poll in Goa and the electors in Daman and Diu, shall be entitled to vote at the opinion poll in those areas. Clause 5 provides that the opinion poll shall be conducted under the superintendence, direction and control of the Chief Election Commissioner. Clause 27 provides that sections 171B, 171C, 171D, 171E and 171F of the Indian Penal Code relating to the offences of bribery, undue influence and personation, shall apply in relation to the opinion poll as they apply in relation to an election. Similarly, clause 29 provides that certain provisions of the Representation of the People Act, 1951, relating to other electoral offences shall apply to the opinion poll as they apply to an election under that Act.

The Bill also makes provision for the appointment of opinion poll commissioners, assistant opinion poll commissioners, presiding officers, polling officers and for other matters connected with the taking of the poll, the result of the poll being declared after the counting of votes and for the publication of the result in the Official Gazette.

NEW DELHI;

Y. B. CHAVAN.

The 14th November, 1966.

**PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA**

[Copy of letter No. F.3/12/66-SR, dated the 14th November, 1966 from Shri Y. B. Chavan, Minister of Home Affairs to the Secretary, Lok Sabha].

The President having been informed of the subject matter of the Bill to provide for the taking of an opinion poll to ascertain the wishes of the electors of Goa, Daman and Diu with regard to the future status thereof and for matters connected therewith, recommends the consideration of the Bill in the Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for opinion poll being taken in Goa, Daman and Diu. Clauses 6, 7 and 11 provide for opinion poll commissioners being designated or nominated and for the appointment of assistant opinion poll commissioners, presiding officers and polling officers. Clause 14 envisages staff of local authorities being utilised in connection with the poll where necessary. Under clause 10, the opinion poll commissioners have to provide sufficient number of polling stations for Goa and Daman and Diu. Clauses 19, 20 and 21 provide for votes being given by ballot and in certain circumstances, by postal ballot and the use of indelible ink for marking the thumb or any other finger of the elector who applies for the ballot paper. Sections 160 and 161 of the Representation of the People Act, 1951, which will apply by virtue of clause 30 to and in relation to the opinion poll as they apply to and in relation to an election, envisage requisitioning of premises, vehicles, etc., for the purposes of the opinion poll and payment of compensation.

The provisions mentioned above if enacted and brought into force will involve expenditure from the Consolidated Fund of India on account of travelling allowance of the officers and staff engaged on the poll, for setting up polling stations, for the printing of ballot papers, purchase of indelible ink and payment of compensation in respect of premises requisitioned. The expenditure will be of a non-recurring nature and, in the light of the expenditure incurred in the Union territory in connection with the elections in 1963, is expected to be of the order of about rupees 3.9 lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 32 read with clauses 9, 11, 19, 20 and 21 of the Bill empowers the Central Government to make rules with regard to certain matters. The matters in respect of which such rules may be made include, *inter alia*, the duties of the opinion poll commissioners, the presiding officers and polling officers, the manner in which votes shall be given, the procedure as to voting at opinion poll to prevent personation, etc.

The matters in respect of which rules may be made are matters of administrative detail and procedure and as such the delegation of legislative power is of a normal character.

BILL NO. 84 OF 1966

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1966-67.

Be it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Kerala Appropriation (No. 3) Act, 1966.

Issue of Rs. 1,68,89,100 from and out of the Consolidated Fund of the State of Kerala for the financial year 1966-67. 2. From and out of the Consolidated Fund of the State of Kerala 5 there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one crore, sixty-eight lakhs, eighty-nine thousand and one hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1966-67, in respect of the 10 services specified in column 2 of the Schedule.

the State
of Kerala
for the
financial
year 1966-
67.

3. The sums authorised to be paid and applied from and out of Appro-
the Consolidated Fund of the State of Kerala by this Act shall be priation.
appropriated for the services and purposes expressed in the Schedule
in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding			5
		Voted by Parliament	Charged on the Consoli- dated Fund	Total	
		Rs.	Rs.	Rs.	
XVI	University Education . . .	300	2,500	2,800	10
XVII	General Education . . .	30,000	17,600	47,600	
XIX	Medical . . .	1,00,000	1,00,000	2,00,000	
XIII	Fisheries . . .	..	7,200	7,200	
XXV	Animal Husbandry . . .	100	..	100	
XXVI	Co-operation . . .	80,000	..	80,000	15
XVII	Industries . . .	10,000	1,61,100	1,71,100	
XXVIII	Community Development Projects, National Extension Service and Local Development Works . . .	..	12,100	12,100	
XXX	Harijan Welfare . . .	9,00,000	20,000	9,20,000	20
XXXII	Irrigation . . .	100	..	100	
XL	Miscellaneous . . .	6,82,400	..	6,82,400	
XLIII	Capital Outlay on Public Health . . .	100	800	900	
XLIV	Capital Outlay on Agricultural Im- provement . . .	..	1,58,100	1,58,100	
XLV	Capital Outlay on Industrial and Economic Development . . .	63,97,100	23,800	54,20,900	25
XLVI	Capital Outlay on Irrigation . . .	30,00,000	..	30,00,000	
XLVII	Capital Outlay on Public Works . . .	300	..	300	
L	Capital Outlay on Transport Schemes . . .	1,08,500	..	1,08,500	30
LV	Loans and Advances by the Govern- ment . . .	50,77,000	..	50,77,000	
	TOTAL . . .	1,63,85,900	5,03,200	1,68,89,100	

STATEMENT OF OBJECTS AND REASONS

The Bill is introduced in pursuance of articles 204 (1) and 205 of the Constitution and the Proclamation issued under article 356 of the Constitution in respect of the State of Kerala on the 24th March, 1965, as extended by the Parliament to provide for the appropriation out of the Consolidated Fund of the State of Kerala of the moneys required to meet the Supplementary expenditure charged on the Consolidated Fund of the State of Kerala and the grants made by the Lok Sabha for expenditure of the Government of Kerala for the financial year 1966-67.

SACHINDRA CHAUDHURI.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 5(13)-B/66, dated the 6th November, 1966 from Shri Sachindra Chaudhuri, Minister of Finance to the Secretary, Lok Sabha].

By virtue of the proclamation dated the 24th March, 1965, issued under article 356 of the Constitution, as extended by the Parliament upto the 10th November, 1966, the President having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the year ending on the 31st day of March, 1967 recommends the introduction of the Kerala Appropriation (No. 3) Bill, 1966 in the Lok Sabha, and also recommends to the Sabha the consideration of the Bill under article 207(1) and (3) of the Constitution read with article 205 thereof.

2. The Bill will be introduced in the Lok Sabha after all the Supplementary Demands for Grants for 1966-67 (presented in the last and current sessions of Lok Sabha) have been voted.

BILL No. 86 of 1966

A Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Kerala to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1963 in excess of the amounts granted for those services and for that year.

Be it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title,

1. This Act may be called the Kerala Appropriation (No. 4) Act, 1966.

Issue of
Rs.
1,33,10,465
out of the
Consoli-
dated
Fund
of the

2. From and out of the Consolidated Fund of the State of Kerala, 5 the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of one crore, thirty-three lakhs, ten thousand, four hundred and sixty-five rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 to

of the Schedule during the financial year ended on the 31st day State of
of March, 1963, in excess of the amounts granted for those services Kerala to
and for that year.

meet cer-
tain excess
expendi-
ture for
the year
ended on
the 31st
March,
1963.

3. The sums deemed to have been authorised to be paid and Appropriation applied from and out of the Consolidated Fund of the State of Kerala under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1963.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Excess			5
		Voted portion	Charged portion	Total	
		Rs.	Rs.	Rs.	
I	Agricultural Income-tax and Sales Tax . . .	68,421	..	68,421 10	
III	Excise . . . .	..	143	143	
	<i>Debt Charges</i> . . . .	..	5,27,825	5,27,825	
XII	Jails	1,39,707	..	1,39,707	
XXI	Public Health Engineering	35,05,960	..	35,05,960 15	
XXXII	Irrigation	5,64,780	..	5,64,780	
XXXIII	Public Works	8,53,463	..	8,53,463	
XXXV	Transport Schemes	1,27,768	..	1,27,768	
XXXVII	Pensions	5,98,191	43,041	6,41,232	
XLV	Capital Outlay on Irrigation	67,73,571	..	67,73,571 20	
XLIX	Capital Outlay on Transport Schemes . . . .	..	31,412	31,412	
LI	Commututed Value of Pensions	76,183	..	76,183	
	TOTAL	1,27,08,044	6,02,421	1,33,10,465	

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of articles 204(1) and 205 of the Constitution read with the Proclamation issued under article 356 of the Constitution in respect of the State of Kerala on the 24th March, 1965, as extended by Parliament to provide for the appropriation out of the Consolidated Fund of the State of Kerala of the moneys required to meet the expenditure of the Government of Kerala incurred in excess of the appropriations charged on the Fund and the Grants made by the State Legislature for the financial year ended on the 31st day of March, 1963.

SACHINDRA CHAUDHURI

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 5(7)-B/66, dated the 6th November, 1966 from Shri Sachindra Chaudhuri, Minister of Finance to the Secretary, Lok Sabha].

By virtue of the Proclamation dated the 24th March, 1965, issued under article 356 of the Constitution, as extended by Parliament up to the 10th November, 1966, the President having been informed of the subject matter of the proposed Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Kerala to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1963, in excess of the amounts granted for the said services and for that year by the State Legislature, recommends under clauses (1) and (3) of article 207 of the Constitution read with sub-clause (2) of article 205 thereof, the introduction of the Appropriation (No. 4) Bill, 1966, in the Lok Sabha and also recommends to the Lok Sabha the consideration of the Bill.

BILL NO. 85 OF 1966

A Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Kerala to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1964, in excess of the amounts granted for those services and for that year.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Kerala Appropriation (No. 5) Act, 1966.

Issue of Rs. 2,10,91,263 out of the Consolidated Fund of the State of Kerala to meet certain excess expenditure for the year ended on the 31st March, 1964. 2. From and out of the Consolidated Fund of the State of Kerala, 5 the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of two crores, ten lakhs, ninety-one thousand, two hundred and sixty-three rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 10 of the Schedule during the financial year ended on the 31st day of March, 1964, in excess of the amounts granted for those services and for that year.

3. The sums deemed to have been authorised to be paid and Appropriated from and out of the Consolidated Fund of the State of Kerala under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1964.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote	Services and purposes	Excess			5
		Voted portion	Charged portion	Total	
		Rs.	Rs.	Rs.	
I	Agricultural Income-tax and Sales Tax . . .	1,03,865	1,702	1,05,567	10
III	Excise . . .	..	125	125	
	<i>Debt Charges</i> . . .	..	10,27,582	10,27,582	
X	District Administration and Miscellaneous . . .	39,835	..	39,835	
XI	Administration of Justice . . .	..	11,714	11,714	15
XII	Jails . . .	1,36,409	..	1,36,409	
XVII	General Education . . .	..	16,884	16,884	
XXI	Public Health Engineering . . .	28,75,164	..	28,75,164	
XXII	Agriculture . . .	2,01,844	6,72,781	8,74,625	
XXV	Animal Husbandry . . .	1,00,502	1,257	1,01,759	10
XXXVII	Pensions . . .	31,23,600	..	31,23,600	
XL	Miscellaneous . . .	..	50,049	50,049	
XLIII	Capital Outlay on Public Health . . .	19,60,020	..	19,60,020	
XLV	Capital Outlay on Industrial Development . . .	..	8,253	8,253	25
XLVI	Capital Outlay on Irrigation . . .	1,07,59,677	..	1,07,59,677	
	TOTAL . . .	1,93,00,916	17,90,347	2,10,91,263	

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of articles 204(1) and 205 of the Constitution read with the Proclamation issued under article 356 of the Constitution in respect of the State of Kerala on the 24th March, 1965, as extended by Parliament to provide for the appropriation out of the Consolidated Fund of the State of Kerala of the moneys required to meet the expenditure of the Government of Kerala incurred in excess of the appropriations charged on the Fund and the Grants made by the State Legislature for the financial year ended on the 31st day of March, 1964.

SACHINDRA CHAUDHURI.

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[Copy of letter No. F. 5(7)-B/66, dated the 6th November, 1966 from Shri Sachindra Chaudhuri, Minister of Finance to the Secretary, Lok Sabha].

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S. L. SHAKDHER,
Secretary.

CORRIGENDA

In the Gazette of India Extraordinary, Part II—Section 2—

1. No. 41, dated the 24th August, 1966:—

- (i) Page 512, *read* 'Set-off.' as marginal heading to clause 28;
- (ii) Page 524, *read* 'Offences by Companies.' as marginal heading to clause 43;
- (iii) Page 551, last line, *for* 'nominal' *read* 'normal'; and
- (iv) Page 552, in the long title of the Bill (second line), *for* 'or' *read* 'for'.

2. No. 43, dated the 29th August, 1966:—

- (i) Page 589, line 8, *for* '67.' *read* '87.' line 22, *for* '423' *read* '428'; and line 29, *for* 'spacing' *read* 'opening';
- (ii) Page 612, line 33, before 'Section 44.' *insert* '15.';
- (iii) Page 616, line 32 *for* 'he' *read* 'the';
- (iv) Page 619, line 18, *for* 'section (2)' *read* 'sub-section (2)';
- (v) Page 627, line 2, *after* 'sub-section (5),' *insert* 'for';
- (vi) Page 647, line 10, *for* '-penditure of the sum is covered by a current budget grant approved' *read* '-penditure during that year in such form as may be prescribed.';
- (vii) Page 649, line 10, *for* 'dangesrous' *read* 'dangerous', *for* 'property' *read* 'property' and line 13, *for* 'bossable' *read* 'possible';
- (viii) Page 651, last line, *after* 'give' *insert* 'effect'; and
- (ix) Page 654, line 16, *for* 'section 5.' *read* 'section 55'.

3. No. 44, dated the 31st August, 1966:—

Page 709, *read* 'Definition.' as marginal heading to clause 2.

4. No. 46, dated the 3rd September, 1966:—

- (i) Page 734, line 10, before 'bye-law' insert 'order';
- (ii) Page 756, line 8, for 'action' read 'section';
- (iii) Page 758, marginal reference to line 19, for '59 of 1962.' read '58 of 1962.';
- (iv) Page 762, line 38, after 'States' insert 'shall';
- (v) Page 764, marginal reference to line 35, for '43 of 1981.' read '43 of 1961.';
- (vi) Page 765, line 30, for 'to' read 'no';
- (vii) Page 785, line 17, before 'Kharar' insert 'in';
- (viii) Page 788, line 29, for 'CASES' read 'CEASE';
- (ix) Page 815, line 28, for 'course' read 'courts'; and
- (x) Page 816, line 23, for 'three' read 'there'.

5. No. 47, dated the 5th September, 1966:—

- (i) Page 826, last line, for '1955' read '1954';
- (ii) Page 840, line 28, for 'Administration' read 'Administrator in';
- (iii) Page 856, line 29, for 'writ' read 'written';
- (iv) Page 881, line 5, for 'part' read 'ex parte';
- (v) Page 886, line 7, for 'and' read 'not';
- (vi) Page 888, line 27, for 'm property' read 'money or property'; and
- (vii) Page 905, line 16, for 'under clause 42(2) (xv).' read 'fore of a normal character.'

6. No. 49, dated the 7th September, 1966:—

- (i) Page 915, read '5 of 1898.' as marginal reference to line 15;
- (ii) Page 918, line 14, delete 'a';
- (iii) Page 919, line 4, after 'class' insert 'or particular classes', marginal heading to line 9, for 'Judicial' read 'Executive' and last line, after 'section 15', insert 'shall';

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- (iv) Page 920, line 18, for '17' read '17A.';
 - (v) Page 924, line 3, after 'may' insert 'not' and line 30, insert '24.' in the beginning;
 - (vi) Page 926, line 2, for 'o' read 'or';
 - (vii) Page 933, line 24, after 'confinement' insert 'that'; and
 - (viii) Page 936, line 34, before 'shall' insert 'class'.
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